

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted  
to the Commissioner for Patents on:

October 13, 2003

Date of signature and transmission

By

Michael L. Flynn

Michael L. Flynn

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ST. JOHN et al.	)	Group Art Unit: 3747
	)	
Serial No.: 10/035,685	)	Examiner: B. MOHANTY
	)	
Filed: December 26, 2001	)	Attorney Docket: 15768 (V201-0675)
For: REMOVABLE MOUNTING BRACKET		

October 13, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: 703-872-9302

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Sir:

In response to the restriction requirement set forth in the Office Action, Paper No. 6, dated October 1, 2003, Applicants hereby provisionally elect Claims 7-20 for examination, with traverse.

The Examiner stated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-6 are drawn to a mounting bracket classified in class 248, subclass unknown.
- II. Claims 7-20 are drawn to a bracket for a ignition coil assembly, classified in class 123, subclass 634.

According to the Examiner, the inventions of the mounting bracket and bracket for an ignition coil assembly are related as combination and subcombination. The Examiner stated that inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the


subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the Examiner stated that the combination as claimed does not require the particulars of the subcombination as claimed because it may support any device. The Examiner stated that the subcombination has separate utility such as a device to hold an ignition coil. The Examiner further stated that because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, the restriction for examination purposes as indicated is proper.

Applicants respectfully traverse the Examiner's restriction requirement. In comparing claims 1, 7, and 14, each of the claims recites a bracket body having a mounting projection. Claims 1 and 14 recites a plurality of retaining members while claim 7 recites a releasable attachment means. Claim 14 includes an additional limitation of a component element.

Restriction may be required if two or more independent and distinct inventions are claimed in one application (35 U.S.C. § 121). In the present case, although the subject matter of apparatus Claims 1-6 and 7-20 may be classified in different classes, the inventions are not independent and distinct.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-20 presently pending in this application be examined.

Respectfully submitted,

  
Michael L. Flynn, Reg. No. 47,566  
(734) 542-9577

MacMILLAN, SOBANSKI & TODD, LLC  
One Maritime Plaza, Fourth Floor  
720 Water Street  
Toledo, OH 43604-1853

c:\cf\2072\15768.bdg

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2003

OFFICIAL

TELEPHONE  
734-542-0900

FACSIMILE  
734-542-9569

LAW OFFICES OF  
**MacMILLAN, SOBANSKI & TODD, LLC**

38705 SEVEN MILE ROAD  
SUITE 405  
LIVONIA, MICHIGAN 48152

One Maritime Plaza  
Toledo, Ohio

132C West Second Street  
Perrysburg, Ohio

100 Bloomfield Parkway  
Bloomfield Hills, Michigan

FACSIMILE TRANSMISSION

October 13, 2003

To: United States Patent and Trademark Office  
Examiner B. Mohanty – Art Unit 3747

Fax No: 703-872-9302

From: Michael L. Flynn

RE: S/N 10/035,685 ST. JOHN et al.

Comments:

Please see the following Response to Restriction Requirement for filing in the above-identified patent application. Thank you.

Total pages including cover page: 3

**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please immediately notify us at 734-542-9577 (collect) so that we can arrange for the retrieval of the original documents at no cost to you. Thank you.

**RECEIVED**  
CENTRAL FAX CENTER  
OCT 14 2003

**OFFICIAL**